

Application Control No.: 09/923,032
Art Unit: 3761

Remarks

Claims 1-15 and 29-33 are presented for consideration. Claims 29-33 are essentially claims 16-20 from the July 28, 2004 Amendment – B but where claim 29 includes language similar to amended claims 1 and 8. Claims 1, 8 and 29 have been amended as noted above. No new matter is believed added by these changes, which are supported by the specification and claims as filed, e.g., see at least page 11, lines 13-14 and page 12, lines 19-21.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the preceding amendments and following remarks is respectfully requested.

Claims 1-6, 8-15 and 16-20 stand rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,293,932 to Balzar et al. Applicants respectfully traverse this rejection to the extent it might apply to the claims as amended.

Summarizing, the present invention is directed to a feminine sanitary protection device for use with an undergarment. This provides a more simplistic, easier to use, feminine sanitary protection device because the outer cover takes on a dual role of (1) acting as a cover for the packaged protection device before use on an undergarment, and then (2) acting as a liquid impermeable layer between the liquid absorbent device and the undergarment when the protection device is placed on the undergarment for feminine care use to absorb body fluids. Such invention requires a combination of recited features, including *inter alia*, the liquid absorbent device being folded so the outer cover forms the exterior of the folded liquid absorbent device such that, upon removal of portions of the outer cover outboard the frangible lines and unfolding the liquid absorbent device and use of the liquid absorbent device on the undergarment, a remaining portion of the outer cover is integrally joined with the liquid absorbent device and forms a liquid impermeable layer of the liquid absorbent device that includes the liquid permeable liner and the absorbent medium, with the outer cover being located between the liquid absorbent device and the undergarment.

In light of the presently claimed invention, Balzar et al. clearly fails to teach or suggest such, and in fact teaches away from such combination of features, and thus the previous rejection is deemed moot. In particular, as amended, the invention recites that the outer cover has a dual role to function as a wrapper prior to use and then to function as a liquid impermeable layer of the absorbent article during use on the undergarment. Such is completely contrary to the teaching in

Application Control No.: 09/923,032

Art Unit: 3761

Balzar et al. which teaches the combination of an absorbent article and a separated wrapper 36. Balzar et al. states repeatedly that, "a further object of this invention is to provide an individually packaged absorbent article which allows the wrapper, after it has been removed from the absorbent article, to be used to discretely dispose of a soiled sanitary napkin," (Column 2, lines 43-47), as well as language of similar import at column 4, lines 51-54, column 9, lines 11-25, and lines 43-55, and column 10 at lines 36-39 and lines 61-65. Accordingly, claims 1-6 and 8-15, as well as the remainder of the claims, are novel and patentably distinct over Balzar et al.

Moreover, as concerns claims 6, 12, and 33 directed to the feature of "the release strip is located on an exterior of the outer cover", such is clearly absent from any teaching or suggestion in Balzar et al. All of the embodiments in Balzar et al. require removing the wrapper 36 before use and then using the garment attachment adhesive 34 located under the wrapper (e.g., see Balzar et al. at col. 4, lines 51-55) to secure the absorbent article 10 on the undergarment. For at least these additional reasons, claims 6, 12, and 33 are novel and patentably distinct over Balzar et al.

Claims 1, 7-8 and 15-16 stand rejected under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 5,827,251 to Moder et al. Applicants respectfully traverse this rejection to the extent it might apply to the claims as amended.

Moder et al. fails to teach or suggest the presently claimed invention, for at least the same reasons that Balzar et al. is deficient. Moder et al. teaches the combination of an absorbent article and a separated wrapper or backing 60. For example, in Moder et al. at column 7, lines 44-60 and column 8, lines 10-25, as well as column 13, lines 17-28, it repeatedly teaches that the protective backing 60 of the sanitary napkin product is removed before use of the product on an undergarment. Accordingly, claims 1, 7-8 and 15-16, as well as the remainder of claims, are novel and patentably distinct over Moder et al.

Moreover, as concerns claims 6, 12, and 33 directed to the feature of "the release strip is located on an exterior of the outer cover", such is clearly absent from any teaching or suggestion in Moder et al. All of the embodiments in Moder et al. require removing the wrapper 36 before use and then using the garment attachment adhesive 96 located under the wrapper (e.g., see Moder et al. at col. 13, lines 17-28) to secure the absorbent article 12 on the undergarment. For at least these additional reasons, claims 6, 12, and 33 are novel and patentably distinct over Moder et al.

All of the rejections made in the office action are believed to be overcome or rendered moot based on the above amendments and remarks. Accordingly, it is respectfully submitted that the present application is in condition of allowance, and such action is respectfully requested in due course.

Application Control No.: 09/923,032
Art Unit: 3761

The examiner is invited to telephone the undersigned should any issues remain after consideration of the present amendment. The undersigned may be reached at (920) 721-6854.

Please charge any prosecutorial fees that are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

RICHARD W. KUBALEK ET AL.

By: Michael J. Bendel
Michael J. Bendel
Registration No.: 39,605
Attorney for Applicant(s)

CERTIFICATE OF FACSIMILE TRANSMISSION

I, Tammi Langin, hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on January 5, 2005.

By: Tammi Langin
Tammi Langin